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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,638	09/07/2000	Michael Naimark	INT1P206	1636

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EXAMINER
RONES, CHARLES

ART UNIT	PAPER NUMBER
2175	7

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/656,638	NAIMARK ET AL.	
	Examiner	Art Unit	
	Charles L. Rones	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 7-7-03 .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Amendment

The amendment timely filed on July 7, 2003 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Eichstaedt et al. (U.S. Patent No.6,385,619).

As to claim 1, Eichstaedt et al. teaches a method of disseminating (i.e. presenting to the users) to a participant an indication that an item accessible by the participant via a network is of current interest (see Abstract), comprising:

receiving in real time from a source other than the participant an indication that the item is of current interest (see Abstract; see column 1, lines 43-55; where "real time" is read on "non-static information");

processing (i.e. analyzing and profile generating) the indication (see column 3, lines 20); and informing the participant that the item is of current interest (see Fig. 2, element 64; see column 1, lines 56-62; also see column 3, lines 18-20).

As to claim 2, Eichstaedt et al. teaches a method, wherein processing the indication comprises determining an intensity value (i.e. numerical value) for the indication based on at least one attribute of the indication (see column 3, lines 29-38), the intensity value (i.e. numerical value) representing the weight that will be given to the indication (see column 3, lines 49-54).

As to claim 3, Eichstaedt et al. teaches a method, wherein processing the indication further comprises calculating an intensity rank for the item based at least in part on the intensity value (i.e. numerical value) of the indication (see column 3, lines 28-64), the intensity rank indicating the level of current interest of the item relative to other items (see column 3, lines 49-53; where "intensity rank" is read on "weight").

As to claim 4, Eichstaedt et al. teaches a method, further comprising:

associating the item with a category of interest to which the item relates (see column 2, lines 42-48);

receiving from the participant a selection of one or more categories of interest to the participant (see column 2, lines 20-37);

identifying all items of current interest within the selected categories (see column 3, 39-50; also see column 4, lines 31-39);

ranking the identified items of current interest (see column 3, lines 49-54; also see column 4,lines 4-10); and

sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest (see column 4, lines 30-39);

wherein the ranking of each item is based, at least in part, on the level of current interest of each item relative to other items as indicated at least in part by the intensity rank (see column 1, lines 46-55; where "intensity rank" is read on "interest score").

As to claim 5, Eichstaedt et al. teaches a method, further comprising receiving a comment relating to the item (see column 3, lines 52-54; where "comment" is read on "user clicks on various parts of a document").

As to claim 6, Eichstaedt et al. teaches a method, further comprising receiving data identifying the source of the indication (see column 3, lines 15-20; where access

analyzer and profile generator analyze information about the user indicates that the source is identified and request is processed and sent back to the user).

As to claim 7, Eichstaedt et al. teaches a method, further comprising associating the item with a category of interest to which the item relates (see column 2, lines 42-65).

As to claim 8, Eichstaedt et al. teaches a method, wherein the item is associated with a category of interest identified by the source of the indication (i.e. user) of current interest (see column 3, lines 49-60).

As to claim 9, Eichstaedt et al. teaches a method, wherein the item is one of a plurality of items (i.e. specific documents) of current interest (see column 1, lines 52-55; also see column 3, lines 10-14), further comprising:

associating the item with a category of interest to which the item relates (see column 2, lines 42-65);

receiving (i.e. system generating profile) from the participant a selection of one or more categories of interest to the participant (see column 4, lines 31-43); and

identifying all items of current interest within the selected categories (see column 1, lines 39-42; also see column 2, lines 20-65).

As to claim 10, Eichstaedt et al. teaches a method, further comprising:

Ranking (i.e. weight) the identified items of current interest (see column 3, lines 49-54; also see column 4,lines 4-10); and

sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest (see column 4, lines 30-39);

As to claim 11, Eichstaedt et al. teaches a method, wherein the ranking of each item (see column 3, lines 49-52) is based, at least in part, on the extent to which the categories selected by the participant match the categories associated with the item (see column 4, lines 4-28).

As to claim 12, Eichstaedt et al. teaches a method, further comprising receiving an indication of the participant's sensitivity with respect to each category of interest to the participant (see Abstract; see column 1, lines 35-55), whereby an indication of a relatively low level of sensitivity (i.e. low weight) indicates the participant does not want to be informed that an item is of current interest unless one or more indications have been received that indicate a relatively high level of current interest (i.e. high weight) with respect to an item in the corresponding category (see column 4, lines 31-55) and an indication of a relatively high level of sensitivity (i.e. high weight) indicates the participant wants to be informed that an item is of current interest even if only one indication indicating a relatively low level of current interest (i.e. low weight) has been

received with respect to an item in the corresponding category (see column 4, lines 4-28; also see column 5, lines 2-29).

As to claim 13, Eichstaedt et al. teaches a method, further comprising:

ranking the identified items of current interest (see column 3, lines 49-54; also see column 4,lines 4-10); and

sending to the participant a ranked list including at least one of the identified items of current interest (see column 4, lines 30-39);

wherein the ranking of each item is based, at least in part, on the sensitivity of the participant with respect to each category associated with the item (see column 1, lines 46-55; where "intensity rank" is read on "interest score").

As to claim 14, Eichstaedt et al. teaches a method, wherein the item is identified by a Uniform Resource Locator (URL) (see column 5, lines 58-60; where system works in an HTML and XML browser environment implies the topics can be identified by URL).

As to claim 15, Eichstaedt et al. teaches a method, further comprising storing data (i.e. database 60) relating to the indication in a database (see Fig. 2, element 60; see column 3, lines 8-15).

As to claim 16, Eichstaedt et al. teaches a method, further comprising determining the weight to be given to the indication (see column 3, lines 49-60).

As to claim 17, Eichstaedt et al. teaches a method, wherein the indication (i.e. content viewed by user) is received automatically if a participant accesses the item (see column 1, lines 41-44; also see column 2, lines 15-19).

As to claim 18, Eichstaedt et al. teaches a method, further comprising providing one or more participants with an interface (i.e. Browser Client 56) to send an indication that an item is of current interest (see Fig. 2; also see column 3, lines 7-10).

As to claim 19, Eichstaedt et al. teaches a system for disseminating (i.e. presenting to the users) to participants an indication that an item accessible by the participant via a network is of current interest (see Abstract), comprising:

a computer configured to receive in real time an indication that the item is of current interest (see Fig. 2; see column 3, lines 7-18; also see column 1, lines 52-55); process the indication (see column 3, lines 20; where "process" is read on "analyze and profile generation"); and inform the participant that the item is of current interest (see Fig. 2, element 64; see column 1, lines 56-62; also see column 3, lines 18-20); and

a database (60), associated with the computer, configured to store data relating to the item (see column 3, lines 7-15; where "data" is read on "documents").

As to claim 20, Eichstaedt et al. teaches a computer program product for disseminating (i.e. presenting to the users) to a participant an indication that an item

accessible by the participant via a network (i.e. web) is of current interest (see column 1, lines 35-55), the computer program product being embodied in a computer readable medium (see column 3, lines 7-11) and comprising computer instructions for:

receiving in real time from a source other than the participant an indication that the item is of current interest (see Abstract; see column 1, lines 43-55; where "real time" is read on "non-static information");

processing (i.e. analyzing and profile generating) the indication (see column 3, lines 20); and informing the participant that the item is of current interest (see Fig. 2, element 64; see column 1, lines 56-62; also see column 3, lines 18-20).

Response to Arguments

Applicant's arguments filed July 7, 2003 have been fully considered but they are not persuasive.

Applicant argues that Eichstaedt does not disclose receiving in real time from a source other than the participant an indication that the item is of current interest.

In response, Examiner maintains that Eichstaedt discloses such wherein analyzer and profile generator generates a profile used to provide customized information is deemed to be from the profile as the source not directly from the participant in one embodiment; See 3:8-25.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is (703-306-3030. The examiner can normally be reached on Mondays – Fridays from Monday-Thursday 8am-4pm pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (703-305-3830. The fax numbers of the group is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Charles L. Rones
Primary Examiner
Art Unit 2175